

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:
Doug Orwig Site #1
Facility ID #63248
Section 30, Excelsior Township
Dickinson County, Iowa

ADMINISTRATIVE ORDER
NO. 2007-AFO- 29

TO: Doug Orwig
1628 110th Street
Lake Park, Iowa 51347-7062

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c". You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by November 1, 2006. You were sent a notice of these requirements on September 12, 2006, a notice of delinquency on November 13, 2006, and a second notice of delinquency on December 11, 2006. On January 12, 2007, a notice of referral was sent to you.

ORDER: You shall submit to Department Field Office #3 your complete MMP and fee within 30 days of the Director signing this Order. In addition, a penalty of \$3,500.00 is assessed effective 30 days from your receipt of this Order, and shall be paid to the Department, at the address listed below, within 60 days of receipt of this order, unless you appeal as provided below. \$500.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,500.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,500.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent three notices of the requirement by the Department.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c".

APPEAL: Iowa Code §455B.109; 561 IAC 7.5(1) A written Notice of Appeal may be filed with the Director, at the address provided below, within 30 days of your receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC 7. You may contact Carrie Schoenebaum, attorney for the Department, at (515) 281-0824 for more information regarding appeal procedures and resolution of this Order.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.



Richard A. Leopold, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 24 day of July, 2007